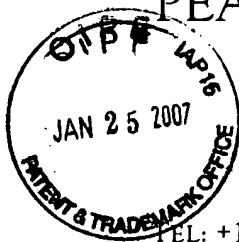


10/718081

cof e

CHARLES B. GORDON
THOMAS P. SCHILLER
DAVID B. DEIOMA
JOSEPH J. CORSO
HOWARD G. SHIMOLA
JEFFREY J. SOPKO
JOHN P. MURTAUGH
JAMES M. MOORE
MICHAEL W. GARVEY
RICHARD A. SHARPE
RONALD M. KACHMARIK
PAUL A. SERBINOWSKI
BRIAN G. BEMBENICK
AARON A. FISHMAN



PEARNE & GORDON LLP

ATTORNEYS AT LAW

1801 EAST 9TH STREET

SUITE 1200

CLEVELAND, OHIO 44114-3108

TEL: +1 (216) 579-1700 FAX: +1 (216) 579-6073

EMAIL: ip@pearnegordon.com

STEPHEN S. WENTSLE
ROBERT F. BODI
SUZANNE B. GAGNON
DEBORAH L. CORPUS
RAYMOND N. RUSSELL, PH.D.
UNA L. LAURICIA
STEVEN J. SOLOMON
GREGORY D. FERNENGEL
BRAD C. SPENCER, P.E.
BRYAN M. GALLO
OF COUNSEL
LOWELL L. HEINKE
THADDEUS A. ZALENSKI
PATENT AGENTS
TOMOKO ISHIHARA
CHRISTOPHER P. DEMAS
J. GREGORY CHRISMAN
IVAN R. GOLDBERG

PATENT, TRADEMARK,
COPYRIGHT AND RELATED
INTELLECTUAL PROPERTY LAW

January 22, 2007

Commissioner for Patents
Attn: Certificate of Corrections Branch
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent No. : 7,106,870 B2
Date of Patent : September 12, 2006
Inventor(s) : Hilmar Meier, et al.
Atty. Docket No. : 36288

Certificate

JAN 26 2007

of Correction

Sir:

A Certificate of Correction under 35 U.S.C. 255 is hereby requested to correct printing errors in the above-referenced patent. Enclosed herewith is a proposed Certificate of Correction (Form No. PTO/SB/44) for consideration, along with the appropriate documentation supporting the request for correction.

It is requested that the Certificate of Correction be completed and mailed at an early date to the undersigned attorney of record. The proposed corrections are obvious ones and do not in any way change the sense of the application.

As these are Patent Office errors, the fee under 37 CFR 1.20(a) is not required. If there are any additional fees resulting from this communication, please charge said fees to Deposit Account No. 16-0820, Order No. 36288.

Very truly yours,

Michael W. Garvey
Reg. No. 35,878

JAN 29 2007

MWG:sd
Enclosures

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Attn: Certificate of Corrections Branch, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Michael W. Garvey

Name of Attorney for Applicant(s)

Signature of Attorney

January 22, 2007
Date

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : 7,106,870
APPLICATION NO.: 10/718,081
ISSUE DATE : September 12, 2006
INVENTOR(S) : Hilmar Meier, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

ON THE FRONT COVER:

Item (75) Inventors: - Please add the following inventor –Herbert Bachler, Meilen (CH)–

Item (73) Assignee: - Please correct the name of the Assignee by deleting "Phanak" and inserting –Phonak–

MAILING ADDRESS OF SENDER (Please do not use customer number below):

**Michael W. Garvey
Pearne & Gordon LLP
1801 East 9th Street - Suite 1200
Cleveland, OH 44114-3108**

Attorney Docket No. 36288

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 29 2007



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hilmar Meier et al.

Serial No.: 10/718,081

Filed: November 20, 2003

Title: "METHOD FOR ADJUSTING A HEARING DEVICE TO A MOMENTARY
ACOUSTIC SURROUND SITUATION AND HEARING DEVICE
SYSTEM"

Docket No.: 36288

REQUEST TO CORRECT INVENTORSHIP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that the above referenced patent application be amended to name the actual inventors pursuant to 37 C.F.R. § 1.48. The inventive entity as set forth in the § 1.63 declaration filed on February 18, 2004 is in error. Inventor Herbert Bächler was erroneously excluded from the § 1.63 declaration. The error arose without any deceptive intent on the part of Mr. Bächler. Accordingly, Applicants request that the above referenced patent application be amended to include Mr. Bächler as an inventor so that the actual inventors of the claimed subject matter are named in the application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Michael W. Garvey
Name of Attorney for Applicant(s)

October 4, 2004
Date

Signature of Attorney

JAN 29 2007

Enclosed are the following:

- (1) A statement from Mr. Bächler that the error in inventorship occurred without deceptive intent on his part.
- (2) A declaration by the actual inventors as required by § 1.63.
- (3) A check for the processing fee of \$130.
- (4) The written consent of the assignee, Phonak AG, to the correction of inventorship.
- (5) Copy of originally submitted Assignment
- (6) Copy of Assignment by all inventors

If there are any further fees resulting from this communication not covered by the enclosed check, please charge the same to Deposit Account No. 16-0820, Order No. 36288

Respectfully submitted,

PEARNE & GORDON LLP

By 

Michael W. Garvey, Reg. No. 35878

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

October 4, 2004

JAN 29 2007



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hilmar Meier

Serial No.: 10/718,081

Filed: November 20, 2003

Title: METHOD FOR ADJUSTING A HEARING DEVICE TO A MOMENTARY
ACOUSTIC SURROUND SITUATION AND HEARING DEVICE
SYSTEM"

Docket No.: 36288

STATEMENT OF INVENTOR BEING ADDED TO U.S. PATENT
APPLICATION NO. 10/718,081 PURSUANT TO 37 C.F.R. § 1.48

I, Herbert Bächler, a resident of CH-8706 Meilen, Switzerland, hereby declare that I, without deceptive intent on my part, was erroneously omitted from U.S. Patent Application No. 10/718,081.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: _____

Herbert Bächler

Date: _____

(July 2, 2004)

JAN 29 2007



DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION

☐ Submitted with Initial Filing

☒ Submitted after Initial Filing
(Surcharge (37 CFR 1.16(e)) required)

Attorney Docket No.: 36288

Application Number: 10/718,081

First Named Inventor: Hilmar Meier

Filing Date: November 20, 2003

Group Art Unit: _____

Examiner Name: _____

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"METHOD FOR ADJUSTING A HEARING DEVICE TO A MOMENTARY ACOUSTIC
SURROUND SITUATION AND A HEARING DEVICE SYSTEM"

the specification of which (check only one item below)

☐ is attached hereto,

OR

☒ was filed on (MM/DD/YYYY) November 20, 2003 as United States Application Number or PCT International Application Number 10/718,081 and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

As a named inventor, I hereby appoint practitioners at Customer No. 000116 as my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

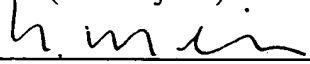
Address all correspondence to Customer Number 000116.

Please direct all correspondence and inquiries to Michael W. Garvey at (216) 579-1700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR(S)

- (1) Inventor Name (sole or joint): Hilmar Meier

Signature: 

Date: 12.07.04

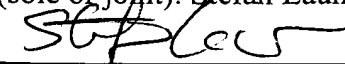
Citizenship: Liechtenstein

Residence (City, State, Country): Zürich, Switzerland

Post Office Address: Geranienstrasse 12

CH-8008 Zürich, Switzerland

- (1) Inventor Name (sole or joint): Stefan Launer

Signature: 

Date: 23.7.04

Citizenship: Germany

Residence (City, State, Country): Zürich, Switzerland

Post Office Address: Im Trichtisal 39

CH-8053 Zürich, Switzerland

JAN 29 2007

(3) Inventor Name (sole or joint): Herbert Bächler

Signature: H. Bächler

Date: 02/07/04 (July 2, 2004)

Citizenship: Switzerland

Residence (City, State, Country): Meilen, Switzerland

Post Office Address: Gruebstrasse 11

CH-8706 Meilen, Switzerland

JAN 29 2007.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hilmar Meier

Serial No.: 10/718,081

Filed: November 20, 2003

Title: "METHOD FOR ADJUSTING A HEARING DEVICE TO A MOMENTARY
ACOUSTIC SURROUND SITUATION AND A HEARING DEVICE
SYSTEM"

Docket No.: 36288



ASSIGNEE CONSENT TO CORRECTION OF INVENTORSHIP

Phonak AG, a corporation of Switzerland, having a place of business at Laubisrütistrasse 28, CH-8712 Stäfa, Switzerland, is the assignee of the entire right, title, and interest in U.S. Patent Application No. 10/718,081. The assignment of said application was submitted to the U.S. Patent and Trademark Office on February 11, 2004 and is attached hereto. Phonak AG hereby consents to the amendment of the subject application to correct inventorship by adding as a named inventors Herbert Bächler who resides at CH-8706 Meilen, Switzerland.

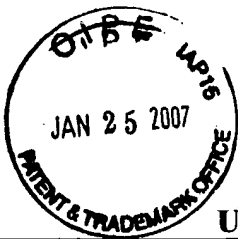
Name: Peter Drtina

Title: Coordinator IPR

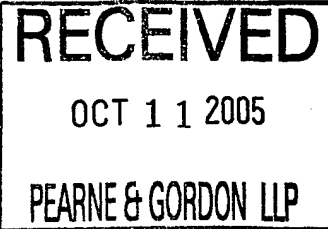
Signature: 

Date: July 2, 2004

JAN 29 2007



TSW 21.288



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

SEPTEMBER 29, 2005

PTAS

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108CORRECTED
NOTICEUNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 10/06/2004

REEL/FRAME: 015857/0965
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MEIER, HILMAR

DOC DATE: 07/12/2004

ASSIGNOR:

LAUNER, STEFAN

DOC DATE: 07/23/2004

ASSIGNOR:

BACHLER, HERBERT

DOC DATE: 07/02/2004

ASSIGNEE:

PHONAK AG
LAUBISRUTISTRASSE 28
CH-8712 STAFA, SWITZERLAND

JAN 29 2007

SERIAL NUMBER: 10718081

FILING DATE: 11/20/2003

PATENT NUMBER:

ISSUE DATE:

TITLE: METHOD FOR ADJUSTING A HEARING DEVICE TO A MOMENTARY ACOUSTIC
SURROUND SITUATION AND A HEARING DEVICE SYSTEM

015857/0965 PAGE 2

SEDLEY PYNE, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

JAN 29 2007

ASSIGNMENT

WHEREAS, new and useful improvements have been made by the undersigned in

"METHOD FOR ADJUSTING A HEARING DEVICE TO A MOMENTARY ACOUSTIC SURROUND SITUATION AND A HEARING DEVICE SYSTEM"

for which an application for Letters Patent of the United States was filed on November 20, 2003, which application is identified by Serial No. 10/718,081 (Pearne & Gordon LLP Docket No. 36288).

WHEREAS, Phonak AG, a corporation of Switzerland, having a place of business at Laubisrütistrasse 28, CH-8712 Stäfa, Switzerland, hereinafter referred to as "assignee", is desirous of acquiring all right, title, and interest throughout the world in, to, and under said improvements and inventions and patent rights therefor.

NOW, THEREFORE, be it known that, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, all right, title, and interest, in the United States and throughout the world, in, to and under said improvements and inventions and all patents, patent applications, patent rights, and inventors' certificates thereof, therefor, and therein, including without limitation said application for patent in the United States, all divisions and continuations thereof, all patents which may be granted thereon, all reissues and extensions thereof, all right to sue for past infringement thereunder, all patents which may be granted for said improvements and inventions by states or nations other than the United States, or by other authority, entity, or organization, and all applications therefor, have been and are hereby sold, assigned, transferred, and delivered unto assignee, its successors and assigns; and it is covenanted and agreed by the undersigned, and for executors, administrators, and legal representatives of the undersigned, that at assignee's request any and all applications, affidavits, assignments, and other instruments will be made, executed, and delivered as may be necessary, or desirable to secure for or vest in assignee, its successors or assigns, any improvement, inventions, right, title, interest, application, patent, patent right or other right or property covered by this assignment, and the United States Commissioner of Patents and Trademarks is hereby requested and authorized to issue any and all United States patents granted on any of said applications to assignee as owner of the entire right, title, and interest in, to, and under the same, and appropriately empowered officials of foreign countries are hereby authorized to issue any letters patent granted on any of said applications to assignee as owner of the entire right, title and interest in, to, and under the same.

The undersigned hereby grant the firm of Pearne & Gordon LLP the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

JAN 29 2007

IN WITNESS WHEREOF, this assignment has been executed below by the undersigned:

(1) Inventor Name (sole): Hilmar Meier

Signature: H. Meier

Today's Date: 12.07.04

Date I Signed Declaration: 12.07.04

Witness: B. Heller

Witness: P. Chi

(2) Inventor Name (sole): Stefan Launer

Signature: Stefan Launer

Today's Date: 23.7.04

Date I Signed Declaration: 23.7.04

Witness: B. Heller

Witness: P. Chi

(3) Inventor Name (sole): Herbert Bächler

Signature: H. Bächler

Today's Date: 02/07/04 (July 2, 2004)

Date I Signed Declaration: July 2, 2004

Witness: B. Heller

Witness: P. Chi

JAN 29 2007